

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

**4:18CR3022**

vs.

SEAN O'NEAL,

Defendant.

**ORDER**

Defendant has moved to continue the pretrial motion deadline and trial, (Filing No. 42), because Defendant's counsel needs additional time review this case and prepare for trial. The motion to continue is opposed. (Filing No. 43). After weighing the competing interests of the parties, for the reasons stated on the record, the court finds the motion should be granted, but only in part. Accordingly,

IT IS ORDERED:

- 1) The government's objection to a three- to four-month continuance (Filing No. 43) is sustained, and Defendant's motion to continue, (Filing No. 42), is granted in part and denied in part.
- 2) Pretrial motions and briefs shall be filed on or before August 16, 2019.
- 3) Trial of this case is set to commence before the Honorable John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at **9:00 a.m. on September 16, 2019**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting a one-month continuance outweigh the interests of the public and the defendant in a speedy trial, and the time between today's date and September 16, 2019 shall be deemed excludable time in any computation of time under

the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

June 11, 2019.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge